

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

LEHMAN BROTHERS HOLDINGS INC., et al.,

Debtors.

SPANISH BROADCASTING SYSTEM, INC.,

Appellant,

-against-

LEHMAN BROTHERS HOLDINGS INC., et al.,

Appellees

Chapter 11

Case No. 08-13555 (SCC)

Jointly Administered

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**APPELLANT’S DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD
ON APPEAL**

Appellant Spanish Broadcasting System, Inc. (“Spanish Broadcasting”), by and through its undersigned counsel, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, hereby submits the following designation of the items to be presented in the record for the appeal filed herein on January 21, 2016 from the Order Granting Plan Administrator’s Motion for Summary Judgment Regarding Claim 67707 Filed by Spanish Broadcasting [Docket No. 51790] as set forth in the Court’s Memorandum Decision issued on December 29, 2015 [Docket No. 51730].

Spanish Broadcasting respectfully submits that the record on this appeal include the following items:

1. Proof of Claim filed by Spanish Broadcasting System, Inc.; Claim #15941; 09/18/2009
2. Amended Proof of Claim filed by Spanish Broadcasting System, Inc.; Claim #67707; 11/03/2011
3. Motion for Omnibus Objection to Claim(s): Three Hundred Twenty-Eighth Omnibus Objection to Claims; Docket 29323; 07/10/2012
4. Response to Motion /Response of Spanish Broadcasting System, Inc. to Three Hundred Twenty-Eighth Omnibus Objection to Claims; Docket 30907; 09/13/2012
5. Response : Reply to Response of Spanish Broadcasting and in Further Support of the Three Hundred Twenty-Eighth Omnibus Objection to Claims; Docket 34175; 01/24/2013
6. Declaration of Joseph Otchin; Docket 34339; 01/29/2013
7. Declaration of Joseph A. Garcia in Support of Amended Proof of Claim of Spanish Broadcasting System, Inc. and In Response to Lehman's Reply; Docket 34344; 01/29/2013
8. Letter from Madlyn Primoff on behalf of Spanish Broadcasting System, Inc.; Docket 34443; 02/06/2013
9. Opposition Brief /Supplemental Brief of Spanish Broadcasting System, Inc. in Response to Reply of Lehman Brothers Holdings Inc.; Docket 34549; 02/11/2013
10. Letter to Honorable Shelley C. Chapman re: Proof of Claim No. 67707 of Spanish Broadcasting System, Inc. Filed by Madlyn Gleich Primoff on behalf of Spanish Broadcasting System, Inc.; Docket 49336; 04/29/2015
11. Letter to Honorable Shelly C. Chapman Regarding Contested Matter Regarding Claim No. 67707 of Spanish Broadcasting System, Inc. (related document(s)[49336]) Filed by Ralph I. Miller on behalf of Lehman Brothers Holdings Inc.; Docket 49393; 05/04/2015
12. Stipulated Order Regarding Briefing Schedule Regarding Claim 67707 of Spanish Broadcasting System, Inc.; Docket 49706; 05/22/2015
13. Motion for Summary Judgment : Notice of Motion for Summary Judgment Regarding Claim 67707 filed by Spanish Broadcasting System, Inc.; Docket 50032; 06/18/2015
14. Memorandum of Law of Lehman Brothers Holdings Inc. in Support of Motion for Summary Judgment Pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure

Regarding Claim 67707 filed by Spanish Broadcasting System, Inc.; Docket 50033; 06/18/2015

15. Memorandum of Law of Spanish Broadcasting System, Inc. in Opposition to Motion by Lehman Brothers Holdings Inc. for Summary Judgment Pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc.; Docket 50415; 07/23/2015
16. Declaration of Joseph A. Garcia in Support of Spanish Broadcasting System, Inc.s Opposition to Motion by Lehman Brothers Holdings Inc. for Summary Judgment Pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc; Docket 50418; 07/23/2015
17. Declaration of Sheryl Gittlitz in Support of Spanish Broadcasting System, Inc.s Opposition to Motion by Lehman Brothers Holdings Inc. for Summary Judgment Pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc.; Docket 50419; 07/23/2015
18. Declaration of Madlyn Gleich Primoff in Support of Spanish Broadcasting System, Inc.'s Opposition to Motion by Lehman Brothers Holdings Inc. for Summary Judgment Pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure Regarding Claim 67707 (attaching (a) the expert report of James Trautman of Bortz Media & Sports Group, Inc.; and (b) the expert report of Christopher J. Kearns of Berkeley Research Group, LLC); Docket 50421; 07/23/2015
19. Response to Motion (Spanish Broadcasting System, Inc.'s (a) Response to Lehman Brothers Holdings Inc.'s Statement of Undisputed Material Facts Pursuant to Local Rule 7056-1 in Support of its Motion for Summary Judgment Regarding Claim 67707 File by Spanish Broadcasting System, Inc.; (b) Counterstatement of Additional Material Facts as to Which There is a Genuine Issue to be Tried); Docket 50422; 07/23/2015
20. Statement - Corrected Exhibit M; Docket 50423; 07/24/2015
21. Response : Lehman Brothers Holdings Inc.'s (1) Reply to Spanish Broadcasting System, Inc.'s Response to Lehman Brothers Holdings Inc.'s Statement of Undisputed Material Facts Pursuant to Local Rule 7056-1 in Support of its Motion for Summary Judgment Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc.; and (2) Response to Spanish Broadcasting System, Inc.'s Counterstatment of Additional Facts as to Which There is a Genuine Issue to be Tried; Docket 50595; 08/13/2015
22. Memorandum of Law : Reply Memorandum of Law of Lehman Brothers Holdings Inc. in Further Support of Motion For Summary Judgment Pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc.; Docket 50596; 08/13/2015
23. Court Hearing Transcript for September 21,2015; Docket 51214

24. Memorandum Decision Granting Plan Administrators Motion for Summary Judgment Regarding Claim 67707 filed by Spanish Broadcasting System, Inc.; Docket 51730; 12/29/2015
25. Order Granting Plan Administrators Motion for Summary Judgment Regarding Claim 67707 filed by Spanish Broadcasting System, Inc.; Docket 51790; 01/07/2016
26. Notice of Appeal; Docket 51873; 01/21/2016.

Dated: February 4, 2016
New York, New York

/s/ Madlyn Gleich Primoff

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